

- (a) fail or refuse to hire an individual; **42.1a**
 - (b) discharge an individual; or **42.1b**
 - (c) otherwise discriminate against an individual **42.1c**
with respect to promotion, compensation, or terms,
conditions, or privileges of employment
on the basis of such individual's race, color, religion, sex,
national origin, age, or state of physical handicap.
- 2.⁹² For purposes of this rule, the provisions of section **42.2**
509(a) of the Americans With Disabilities Act of 1990 shall
be deemed to be a rule of the Senate as it pertains to Mem-
bers, officers, and employees of the Senate.

RULE XLIII

43

REPRESENTATION BY MEMBERS⁹³

1. In responding to petitions for assistance, a Member **43.1**
of the Senate, acting directly or through employees, has
the right to assist petitioners before executive and inde-
pendent government officials and agencies.
2. At the request of a petitioner, a Member of the Senate, **43.2**
or a Senate employee, may communicate with an executive
or independent government official or agency on any mat-
ter to—
 - (a) request information or a status report; **43.2a**
 - (b) urge prompt consideration; **43.2b**
 - (c) arrange for interviews or appointments; **43.2c**
 - (d) express judgments; **43.2d**
 - (e) call for reconsideration of an administrative re- **43.2e**
sponse which the Member believes is not reasonably
supported by statutes, regulations or considerations
of equity or public policy; or
 - (f) perform any other service of a similar nature **43.2f**
consistent with the provisions of this rule.
3. The decision to provide assistance to petitioners may **43.3**
not be made on the basis of contributions or services, or
promises of contributions or services, to the Member's polit-
ical campaigns or to other organizations in which the Mem-
ber has a political, personal, or financial interest.

⁹² Added by S. Res. 192, 102-1, Oct. 31, 1991, effective July 26, 1990. ADA was subsequently amended by the Government Employee Rights Act of 1991 (Title 3, Civil Rights Act of 1991, Pub. L. 102-166, codified at 2 U.S.C. 1301 et seq.). See Senate Manual Secs. **546, 547**.

⁹³ Rule established by S. Res. 273, 102-2, July 2, 1992.

- 43.4 4. A Member shall make a reasonable effort to assure that representations made in the Member's name by any Senate employee are accurate and conform to the Member's instructions and to this rule.
- 43.5 5. Nothing in this rule shall be construed to limit the authority of Members, and Senate employees, to perform legislative, including committee, responsibilities.
- 43.6 6.⁹⁴ No Member, with the intent to influence solely on the basis of partisan political affiliation an employment decision or employment practice of any private entity, shall—
- 43.6a (a) take or withhold, or offer or threaten to take or withhold, an official act; or
- 43.6b (b) influence, or offer or threaten to influence the official act of another.

44 RULE XLIV⁹⁵

CONGRESSIONALLY DIRECTED SPENDING AND RELATED ITEMS

- 44.1a 1. (a) It shall not be in order to vote on a motion to proceed to consider a bill or joint resolution reported by any committee unless the chairman of the committee of jurisdiction or the Majority Leader or his or her designee certifies—
- (1) that each congressionally directed spending item, limited tax benefit, and limited tariff benefit, if any, in the bill or joint resolution, or in the committee report accompanying the bill or joint resolution, has been identified through lists, charts, or other similar means including the name of each Senator who submitted a request to the committee for each item so identified; and
- (2) that the information in clause (1) has been available on a publicly accessible congressional website in a searchable format at least 48 hours before such vote.
- 44.1b (b) If a point of order is sustained under this paragraph, the motion to proceed shall be suspended until the sponsor of the motion or his or her designee has requested resumption and compliance with this paragraph has been achieved.
- 44.2a 2. (a) It shall not be in order to vote on a motion to proceed to consider a Senate bill or joint resolution not reported by committee unless the chairman of the committee of jurisdiction or the Majority Leader or his or her designee certifies—

⁹⁴ Paragraph 6 added pursuant to Pub. L. 110–81, Sep. 14, 2007.

⁹⁵ Rule XLIV added pursuant to Pub. L. 110–81, Sep. 14, 2007.